

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PHILIPPE ATSON-TSEVI,

v.

Plaintiff,

1:16-CV-691

KEITH ELLWANGER, et al.,

Defendants.

Thomas J. McAvoy, S.U.S.D.J.

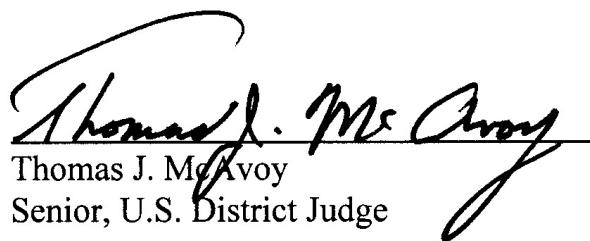
DECISION & ORDER

This employment discrimination claim, brought pursuant to 42 U.S.C. § 1983 and Title VII of the Civil Rights Act, 42 U.S.C. § 2000e-5, was referred by this Court to the Honorable Daniel J. Stewart, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

In his Report-Recommendation, Magistrate Judge Stewart recommends that Plaintiff's Complaint be dismissed without prejudice to Plaintiff filing an Amended Complaint that properly states a Title VII claim against his former employer. Neither party objected to the Report-Recommendation. After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

This Court therefore ADOPTS the Report-Recommendation, dkt. # 7, for the reasons stated therein, and it is ORDERED that Plaintiff's claims pursuant to 42 U.S.C. § 1983 and Title VII are DISMISSED against all named defendants. Dismissal is without prejudice to Plaintiff filing an Amended Complaint that raises a Title VII claim against

Plaintiff's former employer. Plaintiff shall file any Amended Complaint within thirty (30) days of the date of this order. Failure to file an Amended Complaint within thirty days will cause the Court to dismiss the case with prejudice.



Thomas J. McAvoy
Senior, U.S. District Judge

IT IS SO ORDERED.

Dated: October 11, 2016